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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 NIGEL RAY LACHEY,

) Case No.: 20-cv-01438-BNW

13 Plaintiff,

)

14 vs.

)

15 ANDREW SAUL,  
16 Commissioner of Social Security,

) **UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE CERTIFIED  
ADMINISTRATIVE RECORD AND ANSWER;  
STATUS REPORT; DECLARATIONS OF  
JEBBY RASPUTNIS AND CHRISTIANNE  
VOEGELE; [PROPOSED] ORDER**

17 Defendant.

18 **(SECOND REQUEST)**

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1           Defendant, Andrew Saul, Commissioner of Social Security (the “Commissioner”), by and through  
2 his undersigned attorneys, hereby moves for a sixty-day extension of time to file the Certified  
3 Administrative Record (CAR) and answer to Plaintiff’s Complaint. The CAR and answer to Plaintiff’s  
4 Complaint are due to be filed by January 15, 2021. The new deadline would be March 16, 2021.  
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6           STATUS REPORT: The Commissioner hereby refers the Court to the declarations of Jebby  
7 Rasputnis, Executive Director of the Social Security Administration’s Office of Appellate Operations  
8 (OAO), and Christianne Voegle, Chief of the Court Case Preparation and Review Branch 1, and Acting  
9 Chief of the Court Case Preparation and Review Branch 3, of OAO. As explained in the declarations, the  
10 agency must navigate and overcome five simultaneous challenges as it transitions the preparation of these  
11 records from an in-person process to a mostly virtual one:  
12

- 13           1.       Obtaining the appropriate technology, subject to Federal purchasing rules;
- 14           2.       Retraining staff on the new procedures and new technology;
- 15           3.       Adhering to the Federal government protections for personally identifiable information;
- 16           4.       Working with outside vendors for transcription services, including obtaining a new vendor  
17 subject to Federal contracting rules; and
- 18           5.       Completing security clearance processes for new employees of the vendors.

19           While the agency has worked hard to overcome these challenges, it cannot, at this time, provide  
20 an estimate as to when operations will be back to their normal level. As described in the Rasputnis  
21 declaration, the agency processed more than 1,100 cases in August and will soon surpass the pre-  
22 pandemic production rates of 300-400 per week. By implementing the new processes and obtaining a  
23 new vendor and new contract employees, the agency is committed to increasing CAR production as fast  
24 as possible to address this urgent need.  
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1           Defendant is unable to provide any further information about when a CAR may be ready in this  
2 particular case, other than to say that the agency is working diligently to prepare as many CARs as  
3 possible under these challenging circumstances.  
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5           On January 4, 2011, the undersigned contacted Plaintiff via the email address he provided. On  
6 January 11, 2021, the undersigned conferred with Plaintiff via email and he has no objection to the  
7 requested extension.

8           It is therefore respectfully requested that Defendant be granted an extension of time to file the CAR  
9 and answer to Plaintiff's Complaint, through and including March 16, 2021.

10           Dated: January 11, 2020

11           Respectfully submitted,

12           NICHOLAS A. TRUTANICH  
13           United States Attorney

14           /s/ *S. Wyeth McAdam*  
15           S. Wyeth McAdam  
16           Special Assistant United States Attorney

17           ORDER

18           IT IS ORDERED that the defendant's unopposed motion is GRANTED. The deadline to file  
19 the CAR and answer to plaintiff's complaint is extended up to and including March 16, 2021.  
20 Further, the Court notes that it will accept an electronic version of the administrative record,  
21 as has been requested in other social security cases.

22           IT IS SO ORDERED

23           DATED: 2:18 pm, January 15, 2021

24           

25           BRENDA WEKSLER  
26           UNITED STATES MAGISTRATE JUDGE